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THE GAZETTE

*You are hereby welcomed to the 1971-72 academic year of the Cleveland State University College of Law and cordially invited to get involved . . .
R.S.V.P. Without Undue Delay*

The Student Newspaper of The Cleveland State University College of Law • Cleveland, Ohio
Volume 20 • Number 1 • September 1, 1971

ALUMNI DONATES TALMUD

CLEVELAND—A rare and treasured set of Talmudic Law will be presented to CSU's College of Law by Rabbi David L. Genuth, of Temple Beth-El, in a brief ceremony on Sunday (August 8th).

The volumes, part of a limited edition that was presented to the United States Supreme Court several years ago, were presented to the University in the memory of the late Henry A. Rocker, a 1907 graduate of the Cleveland Law School.

Participants in the Talmud presentation will include Henry A. Rocker's son, Judge Manuel M. Rocker, of the Shaker Heights Municipal Court and a graduate of John Marshall Law School in 1933, and the judge's son, Jonathan Rocker, a partner in the Law firm of Reddy and Rocker and a 1966 alumnus of Cleveland-Marshall.

Professor Howard L. Oleck, acting dean of the Law College will accept the gift for the University.

Henry A. Rocker began the practice of law in the Cleveland area upon his graduation from the Cleveland Law School in 1907 and remained active for nearly sixty years until his death in 1966. He was one of the founders of the City Club and served as president of the Jewish Welfare Federation for seven years. He received many awards for his community work including the Brotherhood Award of the National Conference of Christians and Jews.



CLEVELAND—CSU Professor Patrick J. Browne, (left), law librarian, accepts a rare and treasured set of Talmudic Law from the Honorable Manuel M. Rocker, judge of the Shaker Heights Municipal Court, and Rabbi David L. Genuth, (right), of Temple Beth-El.

NEW DEAN SELECTED

SYMBOL OF PROGRESS

Craig W. Christensen, Associate Professor of Law at the University of Michigan, has been appointed Dean of Cleveland State University College of Law. The appointment came down from CSU President Harold L. Enerson on July 3, 1971.

Dean Christensen, who is also Legal Advisor to the President, Office of the General Counsel of the University of Michigan, will perform his first official duties as the new Dean at the Orientation Program, September 27, at 6:15.

Prior to his post at the University of Michigan, Dean Christensen served as Director of the National Institute for Education in Law and Poverty at the Northwestern University School of Law. The institute developed and carried out a program of educational and research support service for 2,000 attorneys who then provided free legal advice for the poor throughout the United States.

In announcing the appointment, President Enerson noted that, "Professor Christensen is an excellent match for the job." "He is in tune with the times," said Enerson. "He is dedicated to improved teaching as well as to new directions in legal education. He is committed to high standards as well as expanded opportunities for continued parttime attendance by students working their way through law school. He brings youthful vigor and high spirit to a demanding assignment."

CSU Law Professor Hyman Cohen,

chairman of the search committee for the new law school dean, sees this appointment as a significant and true to form step in the brief history of our new law school.

"The affiliation of Cleveland-Marshall and CSU is barely two years old," said Cohen, "And just this year, CSU's College of Law joined the ranks of the top law schools in the nation when it was admitted to membership in the Association of American Law Schools. So in many ways, a youthful mood is now symbolized by the appointment of Professor Christensen."

Christensen, 32, received his B.S. degree in Political Science from Brigham Young University and earned his Juris Doctor degree, magna cum laude, from Northwestern University School of Law, where he was second in a class of 129.

Christensen's career also included that of executive assistant to the chairman and the president of the Chicago and North Western Railway Company, and as Associate with the firm of Kirkland, Ellis, Hodson, Chaffetz and Masters in Chicago.

In 1966, he was assistant to the chairman of the White House Rights Conference, and from 1968 to 1970, served with the National Advisory Committee to the Office of Economic Opportunities Legal Services Program.

Dean Christensen succeeds James K. Gaynor as dean of our college of law, who is now at Chase Law School in Cincinnati, Ohio.

ALDRICH MEETS JET-SET

Dr. Ann Aldrich, Professor of law at Cleveland State University, recently conducted a seminar on the legal problems of pollution control of engineers at the California Institute of Technology's Jet Propulsion Laboratory (JPL) in Pasadena.

The two week seminar covered various aspects of environmental law, which Dr. Aldrich has been teaching at CSU's College of Law for the past three years.

Calteck, through research, directed by its civil systems project office, has been investigating problems in the environment field. A number of techniques are under study by JPL engineers for application to pollution control in air, water, and waste disposal.

The JPL is a research and development facility of the National Aeronautics and Space Administration operated by the California Institute of Technology.

(See Jet-Set p. 6)

TIGHT MONEY FOR POLLUTING CORPORATIONS

The bankers of Maine have taken a stand against pollution. All industries requesting credit will be closely scrutinized to insure that new or enlarged plant facilities don't contribute to pollution. The bankers have agreed to fully cooperate with Maine Environmental Improvement Commission. Moreover, they have pledged to advance credit to their customers to enable them to stop present pollutant practices.

GAYNOR BIDS FAREWELL

To the Students of Cleveland State University College of Law:

A little less than four years ago, I became a member of the Cleveland-Marshall faculty. Three years ago, I became Dean. Now I am leaving to return to teaching at a law school which is nearer my home.

The road has not always been easy, and I need not detail the progress which has been made since I have been here. My predecessors and the faculty have borne the major portion of the burden in making the progress, but the student body also has done its part.

I shall cherish the friendships which I have made among the students. I extend my very best wishes to all of you for future success.

My best wishes also go to my successor. He will find a really fine group of students at this College of Law.

James K. Gaynor
Dean

TABAC APPOINTED

One of Dean Craig W. Christensen's first administrative acts was to announce his appointment of Professor William L. Tabac as Assistant Dean of the College of Law, (effective September 1, 1971.)

Professor Tabac, who joined our faculty in 1969 has since established himself as a knowledgeable advocate of consumer's remedies and the rights of indigents in the criminal justice system.

Professor Tabac's editorship of the George Washington Law Review, his graduation with honors, and clerkship with Judge Anthony J. Celebrezze of the United States Court of Appeals for the Sixth Circuit are indications of his high degree of competency in the law, and his past classroom experience at this college is proof of his excellency as a legal educator.

His temperament and experience leave him particularly well-suited to assume his responsibilities in the management of student affairs, and his drive and energy will undoubtedly contribute to the unbridled advancement this college will realize in the near future.

Professor Tabac succeeds Dean James T. Flaherty who will return to full time teaching at the college in October.



THE GAVEL

©



Cleveland State University

College of Law

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The views expressed herein are those of the newspaper or its by-lined reporters and contributors, and do not necessarily reflect the views of the student body, administration, or faculty of the College of Law or The Cleveland State University unless otherwise specifically stated.

STUDENT BAR APATHETIC APPENDAGE

The Student Bar Association is an antiquated, sophomoric, never-will-be organization. The vitality that should electrify its operations is consistently drained from its members by its third meeting. This vitality is never recharged, never rekindled, and results never flow.

One crowning achievement of the past quarter was a bill designed to set aside three tables in the library for "No Smoking". Needless to say, this controversial package of legislation saw its way to final approval. The benefits of that bill are just some of the many and varied substantial contributions of the S.B.A. to our institution's fame.

When was the last time the S.B.A. performed its primary function? For those who do not know what it is and for those who have forgotten, the function is to represent the interests of the student body whose votes (and student fees) placed each member in that association. The S.B.A. was not intended as a mere conduit for dispersal of funds to various group activities, and the time has come to change.

The interests of the students go further and deeper than "smoke gets in your eyes". This college of law has the potential, the resources and the opportunity to surpass every law school in this state. That can't be done with an S.B.A. that doesn't even have a tail, let alone one to tuck between its legs. The S.B.A. must be a nucleus, a core, a think tank for things worth thinking and a "do tank" to make those thoughts reality.

Welcome back S.B.A., let us know you're here!

A MORE RELEVANT

EXAMINATION EXPERIENCE

The purpose, it is supposed, of the final examination, is to evaluate the degree of expertise that the student has developed as regards each area of the law he has endeavored to study the preceding academic period.

The examinations are written, it is supposed, to provide a forum for developing the required skills so the student may communicate his acumen on the state bar examination and in practice.

With this in mind it would do well to consider the conditions prevailing under the existing examination procedures. Since each professor determines the boundaries of his particular examination, there is no "need" to complete the instruction of the full course core. A professor may finish 75 percent of the material in a given course, test only within that 75 percent covered, and no one will be the wiser.

Additionally, the nature of the questions asked of the student may be so dissimilar to the type queried on the bar examination, that their value, outside the immediate purpose of assigning a grade to the student is non-existent. The exposure to properly structured questions over a three or four year period may go a long way toward providing a forum for the student, a sort of "testing grounds," for the development of the writing skills expected and demanded both in practice and on the bar examination.

One need not be overly observant nor overly candid to admit that the overwhelming majority of law students have an intention to practice law. It is well recognized that passing a bar examination is a pre-requisite to practice in all but five states. It is too absurd at this point for any college of law to contend that preparation for the bar examination is not a value reasonably expected, and rightly so, by the student body. This preparation should at least manifest itself in qualitatively uniform examinations and methods of grading and evaluation.

Exam Should Consist Of

Every examination given should be representative of as much of the subject matter of a course as is practicable. The questions should be designed to present formulable issues to the student who is properly prepared and should not be unnecessarily vague and ambiguous. Each answer should be limited to a maximum number of pages to promote succinctness and discourage "shot gun" approaches. The exams for all sections of the same course should be graded on the same standard (and be the same exam) to achieve a more equitable evaluation.

A Suggestion

One solution is to separate the teaching function of the professor from his examination tasks, much like the teaching function of the school is separated from the examination function of the state on the bar examination. The professor as we know him today would be responsible solely for teaching the course. Another group of professionals would construct an examination for each course, to be administered to all sections of that course at the same time and place. The grading of all such examinations would be done solely by this examination faculty. Evaluation of the examinations would be akin to the point system used by the bar examiners and they would provide a meaningful and legible critique of the students' writing performance.

It may be said that achieving a more relevant examination experience is impossible. It might be argued that the above idea is absurd . . .

"Only he who attempts the absurd . . .
Can achieve the impossible."*

* American Association of University Women

Letters To The Editor

Dear Editors:

With reference to your letter of May 3, this is to advise you that our Court took action this week with regard to the recommendation of our Board of Bar Examiners that the Court adopt a rule requiring all law schools to certify that Ohio bar applicants have received "comprehensive instruction" in specified subject matters. Our Court refused to adopt this recommendation. Our rule with regard to this matter remains the same as it has been in the past.

Our Court also took action to require the subject of "federal taxation" in the exam in place of the subject of "equity."

Our Court also took action to give the multistate bar examinations in the year 1972. This exam, which is multiple-choice and is prepared by the ETS of Princeton, New Jersey, will be given in contracts, torts, evidence, real property and criminal law on one of the three days of the exam. The other subjects on the bar exam will be covered by the standard essay type questions as in the past. The questions on these other subjects will cover, as in the past, two days of the exam.

Sincerely yours,
C. WILLIAM O'NEILL,
Chief Justice,
Ohio Supreme Court

Since the failing average of all candidates who took the Ohio Bar Examination in the last five years is .8 percent, (23 out of 3030), the Gavel was interested in finding out if the multiple choice type examination would increase the percentage of failures.

Dear Editor:

In a recent letter you inquire about the effect of the multiple choice type of examination contained in the multistate bar examination on the percentage of persons passing the bar examination in your state of Ohio.

As you know, the multistate bar examination is only a part of the examination of each participating state. It will be one-half or less of the state examination. The multistate examination was planned and designed to aid individual states and there will be no cut-off score suggested by the National Conference of Bar Examiners or the Educational Testing Service. Each state will combine the results of the multistate part of the examination prepared locally and then the determination will be made on the number who have passed or failed. It is not possible to predetermine the percentage of passing and failing. It will only be possible to analyze the results in a particular state after the examination is given in 1971.

If you have any specific questions, please write me again.

Sincerely yours,
Joe E. Covington
Director of Testing

The National Conference of Bar Examiners will offer their service to the Ohio State Board of Bar Examiners on February 23, 1972 & July 26, 1972. The subjects covered by the examination will be contracts, criminal law, evidence, real property, & torts.

Dear Editor,

In quid pro quo, we often find the ex parte superceded by the mens rea appurtenant thereto in light of quare clausem which is deemed no less important by virtue of its de jure nature.

It ex post facto follows that one cannot easily invade the res ipsa of another's loquitur and not expect to be quashed for the actus which reus therein.

So if you would be forever replevined in your cosecant, it would be best your imbroglio of the nepenthean to keep.

Sincerely,
John R. Virtuo
Chairman,
Legislative Drafting
Committee,
U.S. Senate



OHIO LEGISLATURE ON THE MOVE

"Look out! That crazy goddamn driver! He could kill someone!" This has probably been shouted in anger by every driver that ever lived. Today more than ever the "crazy" drivers take to the super highways. Who are they? How can they be stopped?

It is not likely that this person is incompetent. The Ohio Code requires everyone to pass the state's written and practical driving examination before they may get behind the wheel of a motor vehicle. He may be the reckless driver—the driver who brought about the defensive driving campaigns. But behind the wheel of every fiftieth car is a drunk. He may be a competent driver, but while intoxicated he is too incapacitated to walk, let alone drive.

"Over the past five years, the Vietnam War has killed more than 27,000 Americans. During the same period, drunk drivers on U.S. highways have killed 134,000 people." This fact is stated in detail in a book called *Stop the Drunk Driver* by Guy Halverson. Last year over 28,000 American lives were taken senselessly by the drunk. Yet our legislature continues to show no concern toward the tragedy that will terminate the lives of over 600 Ohioans in 1972. Drunks will be the cause of over 20,000 motor vehicle accidents on Ohio highways next year which will maim and cripple over 16,000 people.

There is total agreement among highway safety experts who believe the deaths caused by drunk drivers can be reduced by stronger legislation. Therefore, we must look to our 109th general assembly and the governor for help.

In the Ohio Senate, on June 2, 1971 Senate Bill No. 2 was passed by a vote of 28 to 2. This bill reduced the blood alcohol concentration percentage from .15 percent to .10 percent as the presumptive level of intoxication. Three weeks later the Ohio House of Representatives passed this bill with some amendments by a vote of 95 to 3. So the bill traveled back to the Senate where they refused to concur with the House amendments. Now the bill lies in a state of limbo on a Committee desk.

What happened to the 97 percent total agreement among our representatives that Ohio needed stronger laws to stop this war on the highways?

We won't fool ourselves into believing that this bill, once law, would solve our problem, but the legislature is moving (?) in the right direction.



Kill-Roy was Here!

MULTIPLE CHOICE MULTISTATE BAR EXAMINATION

"Why Multiple Choice Questions?"

1. During the last fifteen years multiple-choice testing techniques have been developed to the point where much more sophisticated intellectual processes can be measured than was the case in the past. In the Law School Admissions Test, reasoning ability, that is the ability to define and analyze problems, and to reach decisions through the application of legal principles, is measured with a high degree of success. See, Winterbottom, *The Use of Essay and Objective Techniques in Bar Examinations*, 38 *The Bar Examiner* 5 (1969). See also, Goolsby and Wray, *An Annotated Bibliography Related to Bar Examinations And Admission To*

Legal Practice, 39 *The Bar Examiner* 93 (1970).

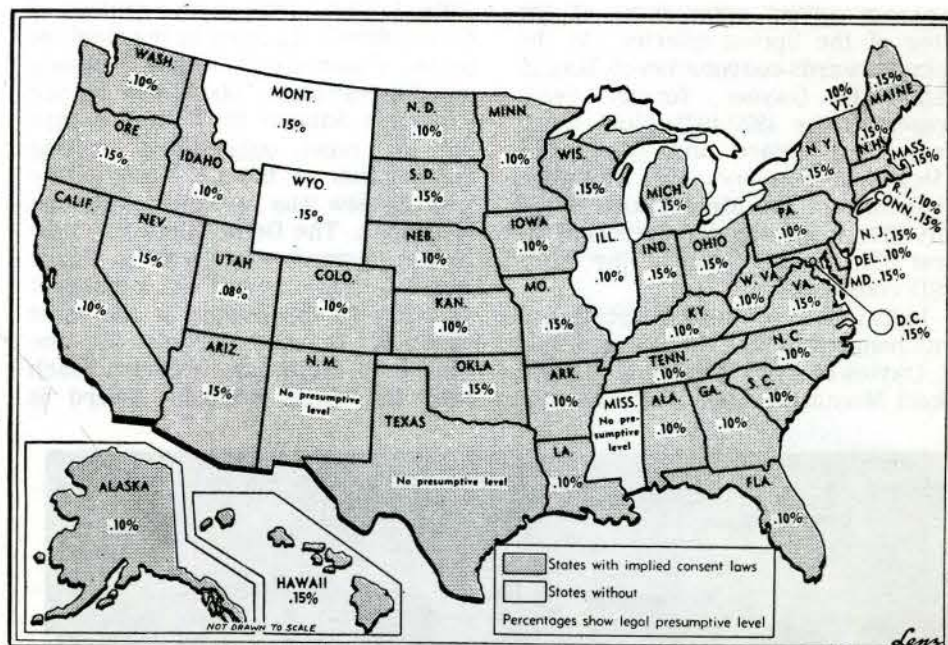
2. Objective questions allow broader coverage of the subject matter in the test.

3. In most states test results will be available more quickly and earlier admission to the bar will be possible.

4. Subjective grading, which is inherent in the use of essay questions, is not present in the NCBE test.

5. Multiple-choice questions serve to balance in one part of the test the advantage of a fluent articulate writer over the applicant who has a good command of the law, but may suffer because of inadequacies of style.

6. Machine scoring will lighten the burden of grading.



Allstate Insurance Companies

License— to drink?

All but four states and the District of Columbia have "implied consent laws," which in effect mean a person who takes out a license to drive also consents to take a chemical test if arrested for drunk driving. But unless the legal "presumptive level"—blood-alcohol level indicating intoxication—is down to .10 percent, the consent laws lose meaning. Research shows that probability of accidents multiplies rapidly above this level. Only 25 states have the .10 percent level. Utah has a more ideal low of .08 percent. Three states, however, have no presumptive level whatsoever.

The Gavel indorses the four point package Guy Halverson proposed in his book:

1. Align yourself with a local safety agency or alcoholism rehabilitation organization. If unsure of what groups are in your area you might want to contact any of the following national organizations:

The National Safety Council
425 North Michigan Avenue
Chicago, Ill. 60611

National Council on Alcoholism
2 Park Avenue
New York, N.Y. 10016

National Association of Women Highway Safety Leaders, Inc.
1225 Connecticut Avenue, N.W. Room 414
Washington, D.C. 20036

2. Let your governor and state legislators know that you support a "nonsense" .10 percent presumptive blood-level statute as well as an implied-consent law.

If your state has both, push for the even more realistic .08 percent Canadian level.

3. Ask your local law-enforcement agencies to adopt selective enforcement in high-mishap areas and specially trained "drunk squads" along the lines of programs of the San Diego, Calif., department.

Don't accept vague reassurances from department administrators. Visit your law agencies and see firsthand what emphasis is placed on traffic safety in general and stopping the drunk driver in particular.

4. Ask your local chamber of commerce to support industry rehabilitation programs as well as antidrunk-driver campaigns. Contact service groups, such as Rotary International, the Elks, Lions, etc.

Remember, behind the wheel of every fiftieth car is a drunk driver who is breaking the law and will murder, maim or cripple approximately 16,600 Ohioans in 1972. Can you live under this onus—134,000 Americans who died on the highways since 1967 won't.

PRIORITIES IN THE PROFESSION

The legal profession does not remain alone in its constant struggle to keep up with the many urgencies of society. A crisis situation presently exists with regard to the medical profession's inability to cope with the American public in the event of a major catastrophe such as nuclear attack. The doctors have discovered in an article published in a recent issue of *The New England Journal of Medicine* that the lack of meaningful stockpiles of critical and strategic medical supplies at the local community level seriously compromises effective medical care of the potentially millions of civilian casualties.

The *Journal* article, "The Medical Realities of Civil Defense," prepared by Dr. Leonard B. Greentree, a distinguished physician from

Columbus, Ohio, points out that efficient use of medical supplies appears hampered by inadequate plans for mobilization, distribution, and application during emergency conditions. Dr. Greentree emphasizes that, perhaps, doctors should give serious consideration to shifting priorities in providing medical service to control pain and suffering in lieu of its high death control orientation. Thus, meaningful services by doctors would be readily available during crisis circumstances.

The Greentree article is more important in effect than its rather narrow title would suggest. He has shown humanitarian concern in an area of crucial importance, but in an area which for a long time has gone

(See Profession p. 6)

HIGH ACHIEVEMENT LAUDED

Scholastic achievement, service to the College of Law and individual legal development were recognized in separate award ceremonies at the close of the Spring quarter. At the annual awards convocation on May 27 James K. Gaynor, former dean, presented the 1970-1971 Moot Court Team with Board and Team certificates. Harvey S. Yasinow, Chairman of the Moot Court Board 1970-1971, transferred to the school the first place trophy won at the ABA-LSD competition.

Individual academic excellence was honored at the gathering. David H. Davies received The Judge Lee H. Skeel Memorial Award for attaining

the highest grade in Personal Property. The 1971 Wall St. Journal Student Achievement Award went to John J. Lombardo in recognition of his academic standing in the fields of Sales, Commercial Paper, Agency and Corporations. The Chief Justice Emeritus Samuel H. Silbert Award for the most outstanding writing contribution to the Cleveland State Law Review was presented to Leona M. Hudak. The Delta Theta Phi Law Review Award was given to Joyce Barrett. This award is presented annually to the author of the most practical research article for the Cleveland State Law Review. Each year the W.E. Baldwin Award is

presented to the most deserving graduating law student—Dennis Dowdell received the honor for the 1971 class. The Central National Bank Award for the top grade in Negotiable Instruments was earned by James B. Wilkens.

On June 29, 1971 the following were honored:

Harvey S. Yasinow received The Faculty Award and The West Publishing Company Hornbook Award in recognition of his being the graduate with the highest cumulative average.

Ernest Hume was presented with The Banks-Baldwin Company Award. Mr. Hume was the graduate with the second highest cumulative average. Ira Kane and Richard Sutter received The West Publishing Company C.J.S. Awards for making the greatest contribution to scholarship in his class.

Donald J. Ladanyi and Ranelle A. Gamble each received the Sindell Tort Competition Prizes.

Phillip Parsi earned the B.N.A. United States Law Week Award for being the graduate making the greatest improvement in his final year of law school.

Bruce E. Gaynor and Byron D. Von Aden received the Sidney A. Levine Awards for submitting the two best papers in Legal Writing.

William Plesec was presented with the West Publishing Company Moot Court Award for his outstanding efforts as both a Board and Team member.

Leland Cambell received the Delta Theta Phi, William H. Thomas Foundation Award.



C.S.U. College of Law award winners.

CSU STUDENT RECEIVES UNIQUE LAW AWARD

A Cleveland State University law student has received the first award ever presented to a law student by SCRIBES, the national legal writing honorary society. SCRIBES President Eugene C. Gerhart of Binghamton, New York, presented Avery S. Friedman, a fourth year CSU law student, with a tribute "in appreciation for the pursuit of the improvement of legal writing in America." The award was presented at the American Bar Association's 94th Annual Meeting in New York City at the annual reception of SCRIBES.

Friedman, who served as National Secretary of the American Bar Association Law Student Division this past year, conceived of the establishment of national legal writing clinics conducted by outstanding legal writers. After two years of planning, clinics were launched this year throughout the country and are to be sponsored again this fall. The ABA Law Student Division has provided the structure for the program and SCRIBES has provided the talent to conduct the workshops. CSU Distinguished Professor of Law, Howard L. Oleck, newly elected SCRIBES Vice President, was appointed Law Student Chairman to obtain clinic chairmen to set the program in motion. A thorough description of the scope of the clinics will appear in this month's edition of the *New York State Bar Journal* in an article written by Friedman.

Also in attendance from the CSU College of Law was Bruce Gaynor, Editor-in-Chief of the Cleveland State Law Review. The law review serves as the official organ of SCRIBES through publication of its organizational news report.

MINORITY RECRUITMENT

RECRUITMENT WITH REALISM

By MARILYN J. SIMPSON
(Member of '74 Balsa)

We must be aware of the tremendous contributions black colleges have made and are making in providing quality education for black persons in the nation. In nearly any field of endeavor we find that about three-fourths of all college-educated black leaders (professionals, businessmen, military officers or whatever) in the nation have had some or all of their education in a predominantly black college. The colleges are continuing that level of performance today. For example, Jackson State College in Mississippi enrolls more blacks today than all of the colleges and universities of New York State combined! In addition, it is a unique characteristic of these colleges that they are able to provide not just a replica of white college programs in black schools but an education that is specific to the life experience of black people and that assists their graduates to work toward solutions of the special problems that beset black people. This role is a significant one that most white colleges can play only with great difficulty, if at all.

This article contains recommendation about recruitment of black students from predominantly black colleges that were made at a conference sponsored by the Southern Regional Education Board in 1970. The writer, also, is grateful to Dr. Will B. Scott of North Carolina Agricultural & Technical State University in Greensboro, North Carolina who played a significant role in the development of certain ideas expressed herein.

Typically, the law school seeks to recruit "good" students, without looking at more than grades, test results, and letters of recommendations from known persons. In essence, the law school's message is: "We've got some money and some positions; send us some Black bodies." If that kind of transaction is completed, the recruiter is satisfied—he has had a successful trip. Rare is the law school faculty or representative who asks:

1. What is the educational philosophy of the black undergraduate program?
2. What educational approaches are used to achieve the educational goals?
3. Are there special emphasis in the program related to Blacks as professionals in law offices and legal settings?

4. What appears to be the "success" profile of a potential law student from this school?

5. What is your knowledge of our law program?

6. How can we involve you and/or appropriate faculty to help us with particular kinds of concerns in our program?

Discussion related to these questions would (or could) lead to a lot more than what currently exists. I honestly believe it to be an intended, derogatory, snub, when a law school sends a newly hired recruiter—or worse yet, a student, to engage in "body trading." How can mutual respect for educational colleagues be engendered via that method? Instead of the spiel about the great opportunities that exist for students at XYZ law school, why not invite competent Blacks to participate in the

(See Realism p. 5)

ALUMNI NEWS

Class of 1965

ROBERT CONKEL. Doing graduate work at Case Western Reserve University for his Master of Laws which he expects to receive this year.

Class of 1967

HERMAN LAMERS is a Supervisor of Labor Relations for Jones & Laughlin Steel Corporation in Louisville, Ohio. His responsibilities include labor relations, employment, safety, training, plant protection and medical.

Class of 1968

EDWARD HIBLER is an Estate Tax Attorney with the U.S. Treasury Department in San Francisco, California.

HERBERT PALKOVITZ was recently elected to the post of Vice President of the Euclid Bar Association.

Class of 1969

KENNETH HOFFMAN was appointed February 1, 1971 as the Assistant Attorney General for Tallahassee, Florida.

A.C.L.U. VICTORIES

ACLU attorneys Eugene Bayer and Michael Honohan were successful in securing the renewal of contracts for two non-tenured professors at Baldwin-Wallace College, whose contracts had not been renewed without proper hearing. After a hearing before the Faculty Concerns Committee, the contracts were renewed.

MULTISTATE BAR CORNER



COERCED CONFECTION: False imprisonment in a candy factory.

SHORT-SWING PROFITS: A home run on an attempted bunt. ESTOPPEL IN PAIS: Telling the barber not to cut the sideburns.

NOLO CONTENDERE: A state law prohibiting contests or gambling.

LARCENY BY TRICK: A magician who charges exorbitant fees for his performance.

WANTON NEGLIGENCE: Improperly made soup in a Chinese restaurant.

ULTRA VIRES: The most feared and deadly flu bug.

CON-LAW / CON-TEST

Reprint permission granted by the
New York Law Journal, July 12, 1971
issue.

CHICAGO—The American Bar Foundation said yesterday it has doubled the first prize award in its Samuel Pool Weaver Constitutional Law Essay Competition and opened the contest for the first time to law student members of the American Bar Association.

Beginning this year, the Foundation will offer a top award of \$5,000 and additional honorable-mention awards amounting to \$1,500. The award for the winning essay last year was \$2,500, with no monetary honorable-mention awards. *Deadline Jan. 1*

Regular and associate (student) members of the ABA have until Jan. 1 to submit original essays on this year's subject: "By what means should constitutional questions concerning the allocation of power between Congress and the President be determined?" Length is limited to 6,500 words, including footnotes.

Only essays prepared specifically for this competition will be considered for the \$5,000 award. Other essays on the subject published during 1971, may be submitted for honorable-mention consideration.

According to the Foundation, the purpose of the competition is to encourage the writing of essays dealing with the constitutional government of the United States and its powers, principles and limitations. These include studies and statements which "promote and maintain the philosophy of our present government as represented under recognized constitutional principles" and which "inspire greater loyalty and interest in our existing constitutional institutions."

The competition was made possible by \$180,000 contributed by the late Samuel Pool Weaver, an attorney who practiced in the state of Washington and taught constitutional law at Gonzaga Law School, and his widow, the late Mary Helen Weaver Pitts, who was an attorney and librarian of the Supreme Court of Hawaii. The first competition was held in 1961.

Additional information about the competition may be obtained from the Samuel Pool Weaver Constitutional Law Essay Program, American Bar Foundation, 1155 East Sixtieth Street, Chicago 60637.



Notes: From The Bench

By David Ross Jones

The Cleveland State University Moot Court Team has been honing its appellate skills to a fine edge in anticipation of this season's competition. The Young Lawyers Committee of the Association of the Bar of the City of New York, sponsor of the National Moot Court Competition, distributed the complex transcript of the record in mid-July. This year's national problem revolves around a U.S. Army Second Lieutenant's efforts to obtain a writ of habeas corpus. The soldier was convicted and sentenced to life imprisonment for the murder of 22 Vietnamese civilians. His petition was refused by both a federal district and appellate court. The competing advocates step into the theoretical case as it comes before the United States Supreme Court on a writ of certiorari.

This year's team is under the direction of Professor Alan M. Ruben who is a past National Moot Court champion. Efforts are aimed at surpassing the success enjoyed last Spring at the ABA-LSD 6th Circuit Convention in Cincinnati. The judges of that competition honored the College of Law with the first place team trophy. Individual recognition

went to Mr. Thomas Baechle as "The Outstanding Advocate" of the event. Professor Hyman Cohen was last year's faculty advisor.

David R. Jones, Chairman of The Moot Court Board, reported the team's calendar of public events as follows: on October 30 the Third Annual Moot Court Night will pit the advocates for the National Competition against one another, in mid-November the team will face off against other law schools in the regional rounds of the National Competition, in mid-December the 13 regional winners will collide in New York City for the championship. Moot Court Night is open to all—and judging from past year's crowds it will be SRO.

Your Team members are Thomas Baechle, Bruce Elfvin, Avery Friedman, Joseph Gallo, Robert Henn, Alan Hirth, David Jones, Barbara Kaye, Barry Laine, James Lowe, Charles Mathay, Alice Rickel, B. Richard Sutter, Terry Saron and Peter Zawaly.

Efforts are being made by this year's Board members to institute an intra school Moot Court Bowl for the Spring of 1972.

IS POLLUTION MURDER?

by BOB SILVER

Environmentalists say that pollution is so bad that soon it will be in your own backyard. I suppose they mean front yard too, as about 1200 residents of Willowick and Wickliffe will sadly testify. Such is the plight of these homeowners in Lake County whose lawns and gardens have been ruined by sulphur dioxide pollution. Because of probable legal action, Mrs. Carole Czech, chairman of the "Wickliffe-Willowick Wilt," is saying little. However, Mrs. Czech, who is also secretary to the dean of Cleveland State University Law School, feels sure that with Dr. Ann Aldridge as legal counsel and with Dr. Rodney Bailey, chemist from Cleveland State University as advisor, some action can be taken to correct the problem. Although jet airplane fuel and sewers have been ruled out as possible causes of the "cloud" which carried the gas into the neighborhood, Dr. Fred Kluth, head of the Lake County Health Department, has stated that large coal-burners could possibly be the cause of the spreading gas. The type of coalburners referred to are the type used in plants such as the Cleveland Electric Illuminating Company which recently had a court order to "clean-up the air."

The problem began on the weekend of June 25-27 when the gas seeped into Lake County killing and turning brown the foliage in the area. Three days later a group of concerned citizens met at Wickliffe Public Library to spear-head an immediate action plan to rid themselves of what a local newspaper called an "Andromeda Strain." It was not long before the group received strong support from leaders such as Ray Kaluba, Willowick Councilman, and Mel Buchheit, Wickliffe Councilman. Other groups such as the Ohio Public

Interest Action Group (OPIAG), a group sponsored by Ralph Nader, the Law Students Civil Rights Research Council from this law school, and Citizens for a Safe Environment soon joined the cause. But despite the quick work of Carole Czech and her "Wilts," the fumes had taken their toll. An area spreading from Dudley Field in Willowick to Tallmadge Drive in Wickliffe (the street on which Mrs. Czech lives) had been "defoliated" while residents experienced breathing problems and diarrhea attacks. Like the tremor of an earthquake, the fumes remained only a short time (about two hours) and then lifted.

Much is still to be discovered concerning the exact nature of the gas, its point of emanation, and all the damage that actually has occurred. At least 200 residents of the area have already returned questionnaires to Mrs. Czech which elaborate on the specific losses, and the number of returns is growing. Despite efforts by Mr. Buchheit to get more air samples in Lake County and an increasing number of air checks, the community is still concerned. Detection is not sure and legal action seems eminent in the near future. In the mean time, residents are being warned not to eat any fruit or vegetables grown within the contaminated area. However, residents are cheered by the fact that their lawns may be saved by hard work and a lot of extra care.

The main computer at the Cleveland State main campus has requested us to print the following:

"IBM Computer model ZEX-1 will no longer be liable for the debts of Sperry Rand Computer model FEM-4."

REALISM

(From p. 4)

school's lecture series; as curriculum consultants; as visiting professors—especially during summer sessions; as collaborators in joint research ventures; and as expert consultants if the law school really has a genuine program for so called disadvantaged students? It is time for the "one way street" to have a vigorous flow in both directions.

There should be informal personal relationships between the faculties of the black college and the law school as well as any formal relationships that may be established. These personal relationships can be initiated by either party, but they will be especially welcome if they are initiated by the law school. There is one major area in which the law school can help and be helped by the black college: the recruitment and enrollment of individual black students.

Some specific ways in which the law school might help are:

1. Waive application fees for poor students applying to the law program.
2. Accept students from black colleges upon the recommendation of their faculty program director rather than requiring further traditional tests for qualification. This means that the program directors and their programs must be known personally to the law school.
3. Assist the black program directors to encourage students to aspire to law school and to encourage personal contacts for black school students to see and anticipate the law school experience.
4. Help provide financial

assistance for black students in law school.

5. Help black students with any special adjustment problems that may arise regarding housing, transportation or finances.

6. Provide a setting that makes black students feel at home in the student lounge, in off-campus activities, and with faculty. The school and the faculty should avoid the parent-child notion. Also enough black students should be enrolled so that no black student feels isolated or uncomfortable in the school.

7. Avoid "special admission" labels that tend to make all black students "risk students."

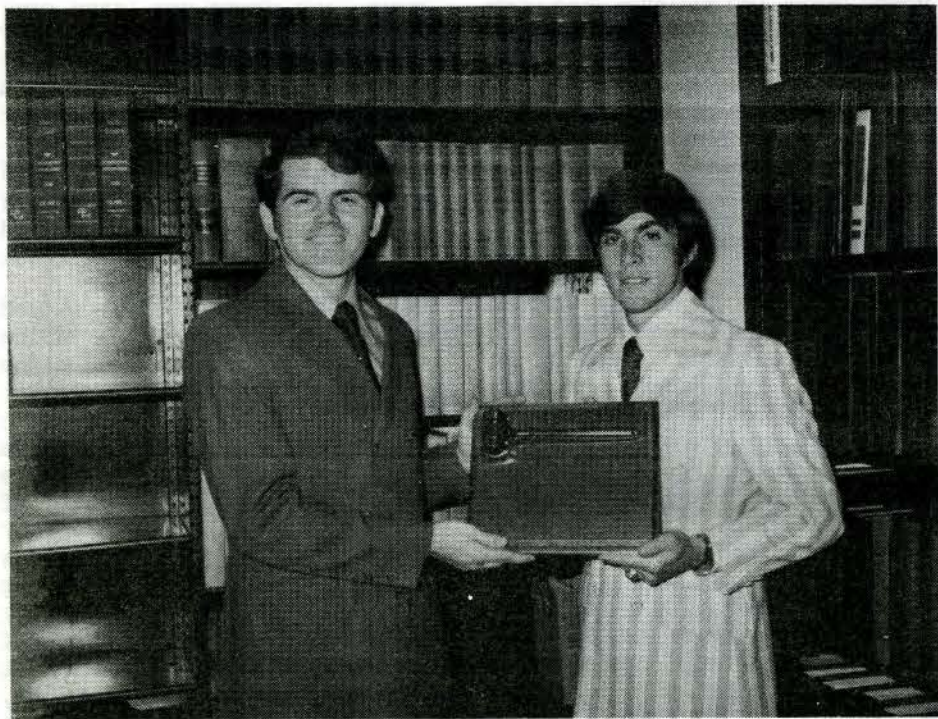
In all of this one theme that recurs is the need for personal relationships between the students and staffs of the black schools and the students and staffs from a law school. From a mental health point of view, we know the importance of interpersonal relations in making a great many social structures work. In this case segregation by law, regulation, and custom for over a hundred years has forced an estrangement which will be hard to overcome. Personal acquaintances and the kind of mutual respect and understanding that comes from such interpersonal relationships will go a long way to overcome some of the estrangement of the past. In assuming the initiative to establish these relationships through telephone calls, letters, or personal visits, there are very real reasons for whites to take the lead for they have had the power and the resources which segregation has denied to the blacks.

GAVEL PASSED ON

L. Patrick Kelley received a plaque for his faithful service as Editor-in-Chief of *the Gavel*. With Pat ending his year as Editor-in-chief, *the Gavel* completed its twentieth year of service to the legal community. Today *the Gavel* is read nationally as well as internationally with over 5,000

readers.

Succeeding him as Editor-in-Chief will be Paul T Kirner, past Executive Editor. Paul T was Editor-in-Chief of the Business periodical at Marquette University. As Editor he has appointed Marvin E. Sable as his Executive Editor.



Paul T Kirner (left) presenting Pat Kelley with the Gavel plaque.

JET-SET

(From p. 1)

The laboratory's primary responsibility is the development of unmanned space vehicles for the exploration of the solar system.

Dr. Aldrich, a graduate of Columbia University, received her law degree from New York University's School of Law. She also spent two years on a Water Quality Work Group for the Great Lakes Basin Commission Framework Study, and on CSU's Environmental Studies Policy Committee. She has done extensive research on Outer Space Law. Dr. Aldrich joined Cleveland State's law faculty after nine years with the Office of the General Counsel of the Federal Communications Commission, and some eight years in private law practice.

PROFESSIONS

(From p. 3)

almost fully ignored.

The legal profession is now looking into areas which have been virtually ignored. Lawyers are only now starting to show responsibility as an organized force in offering much needed legal service to the poor, disadvantaged, and disenfranchised. Where much remains to be done it might be suggested that a priority shift among lawyers also be considered as Dr. Greentree has suggested to doctors.

The availability and accessibility of professional service is vital to people in critical or potentially critical circumstances. It is the responsibility of the professions to be ready, willing and able for these people.

S.B.A. IS LAX

By STEVE GOMBERG
(Past-President of SBA)

The Student Bar Association is once again starting the academic year with problems. Aside from the budgetary mix-up, mainly a result of the University's archaic bookkeeping procedures, the Bar is suffering from a major loss of confidence. Part of this loss of faith stems from the elections this past March, part is due to my own failures, and a major factor is the structure of the Senate itself. With a total constituency of only seven hundred students, it is hard to believe, but the Bar has in fact lost touch with the very students it purports to represent.

The major impression that I came away with after serving on the Bar for two years was that too many of the Senators felt that the meetings were merely a forum for advanced forensic exercising. If such were the case, then there would be no need for law school student government at all, Moot Court could serve the same function most adequately. But there is a need for the Student Bar, a need that can only be filled by available and progressive group of student-legislators.

While it can be expected that a great deal of rhetoric will issue from a meeting of any legislative body, it is generally expected that such speech will represent the will of the constituents of the particular representative. But such is not the case at the present time. Many special interest groups have managed to secure their own representation on the Senate. The problem is not that such cross interests exist, but that it is done at the expense of the people who elected the Senators to office, their

classmates. While the Bar will never be completely free of the pressures of special interest groups, there are methods that can be employed to minimize the conflict of interests problem. One of the surest ways of keeping the Senators honest, is for more people to attend the meetings to see exactly what goes on. Not only will this have a substantial damping effect on the meandering representatives, but it will especially afford the first year students an opportunity to gain a rapid insight into the operations and problems of the Law School.

Another benefit to be derived from increased student participation in the Senate meetings is that more interest will be generated in the election coming up this November. I can only hope that the next President will be elected in an election in which more than 42 per cent of the students voted. This would greatly enhance his ability to say with some firmness that he is the elected representative of the students, and to act accordingly.

There is a challenge facing this entering class, and that is to take an active, knowledgeable, and responsible attitude towards the Student Bar Association. It is my sincere hope that the fresh approach and insight of a first year class will be able to spot the many problems now facing the Bar, and to offer fresh new approaches for their solution. If this new class does not take an active part, then we can expect a continuation of the mediocrity and unprofessional attitude which has marked the activities of the Bar for the past year.

Where is the law student who settles for mediocrity? Where is the proverbial "occupant" of the law school? Where is Joe Doaks who remains aloof when things are in need of doing? Where is the spectator student who snaps out of apathy just long enough to put another nickle in his meter? Where is Craig Critic who will never be Donald Does? What of Edgar Empty? They all went to "Cleveland Marshall Law School." They aren't with us anymore but they left us a legacy. As students of the Cleveland State University College of Law, our job is to reverse that trend and fertilize the embryo of a new legacy. If we do not, we may self-destruct in three quarters.



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